

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

KEVIN J. MAMON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 1:14-cv-00428-TWP-DML
)	
ANDY CRAIG, VICKI MOORE,)	
MICHAEL SHEPHERD, HANCOCK)	
COUNTY SHERIFF'S DEPARTMENT,)	
)	
Defendants.)	

**Entry Directing Development of Affirmative Defense Regarding
Asserted Failure to Exhaust Available Administrative Remedies or to
Otherwise Comply with the Prison Litigation Reform Act**

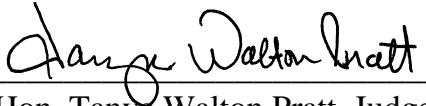
The defendants have asserted the affirmative defense that the “plaintiff failed to comply with the mandatory provisions of the Prison Litigation Reform Act [“PLRA”], barring his claims herein.” See dkt. 10 at p. 6. Whether the mandatory provisions of the PLRA (including the requirement that a prisoner exhaust his available administrative remedies prior to initiating a lawsuit) have been complied with must be resolved before reaching the merits of this case. *Pavey v. Conley*, 544 F.3d 739, 742 (7th Cir. 2008); *Perez v. Wis. Dep't of Corr.*, 182 F.3d 532, 536 (7th Cir. 1999) (“The statute [requiring administrative exhaustion] can function properly only if the judge resolves disputes about its application before turning to any other issue in the suit.”). Accordingly, the defendants shall have **through May 28, 2014**, in which to either 1) file a dispositive motion in support of the affirmative defense that the plaintiff failed to comply with

the mandatory provisions of the PLRA prior to filing this lawsuit, 2) notify the court that this affirmative defense is not amenable to resolution through a dispositive motion, or 3) notify the court that the defendant will not pursue this affirmative defense. If a dispositive motion is filed, the plaintiff shall have **thirty (30) days** in which to respond. The defendants shall then have **fifteen (15) days** in which to reply.

All other proceedings and deadlines are **stayed**.

IT IS SO ORDERED.

Date: 04/29/2014


Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

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